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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 ADDIE KILLAM and TERRY  
DIZARD,

7 Plaintiffs,

8 v.

9 CITY OF SEATTLE, et al.,

10 Defendants.

C16-1455 TSZ

MINUTE ORDER

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12 The following Minute Order is made by direction of the Court, the Honorable  
Thomas S. Zilly, United States District Judge:

13 (1) The motion for summary judgment, docket no. 52, brought by defendants  
Ticketmaster, LLC and Live Nation Worldwide, Inc. ("Ticketmaster") is DENIED.  
14 Genuine disputes of material fact preclude summary judgment. *See* Fed. R. Civ. P. 56(a).  
15 The authorities cited by Ticketmaster for the proposition that temporary delays and  
isolated incidents are not actionable under the Americans with Disabilities Act ("ADA")  
16 are distinguishable. Plaintiffs have alleged and submitted affirmative evidence<sup>1</sup> that,  
although Ticketmaster's website is capable of offering individuals with disabilities the  
17 same opportunity as others to purchase tickets during presale or promotional events, such  
functionality was "turned off" for the concert at issue and presumably could be "turned  
18 off" for future performances at McCaw Hall. Ticketmaster's alternative request that the  
Court decline to exercise supplemental jurisdiction as to plaintiffs' state law claims is  
19 also DENIED.

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21 <sup>1</sup> Ticketmaster has objected, *see* Def.'s Reply at 4 n.1 (docket no. 57), to the Declaration of Joe  
Paganelli, docket no. 54, on the ground that Paganelli lacks personal knowledge about who or  
22 how the "interactive seat map option" on Ticketmaster's website got "turned off." Ticketmaster  
has failed, however, to establish that plaintiffs could not offer at trial evidence in an admissible  
23 form on the subject. *See* Fed. R. Civ. P. 56(c)(2).

1           (2)     The Clerk is directed to send a copy of this Minute Order to all counsel of  
2 record.

3           Dated this 17th day of April, 2019.

4                                 William M. McCool  
5                                 Clerk

6                                 s/Karen Dews  
7                                 Deputy Clerk